

348  
BILL NO. Z-88-01-07

ZONING MAP ORDINANCE NO. Z-Lish

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. N-23.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is  
hereby designated a B-3-B (General Business) District under  
the terms of Chapter 33 of the Code of the City of Fort  
Wayne, Indiana of 1974:

Lot Numbers 1 and 2 in South Side Suburban Place, an  
Addition to the City of Fort Wayne, Indiana, excepting  
therefrom the North 10 feet of Lot Number 1 as  
condemned for street purposes by Declaratory Resolution  
No. 1171-1965,

and the symbols of the City of Fort Wayne Zoning Map No. N-  
23, as established by Section 11 of Chapter 33 of the Code  
of the City of Fort Wayne, Indiana are hereby changed  
accordingly.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage and approval by the  
Mayor.

Janet G. Bradbury  
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay  
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, 19\_\_\_\_, the \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T. of \_\_\_\_\_

DATE: 11-22-88

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Redd, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>TOTAL VOTES</u>	_____	<u>8</u>	_____	_____	<u>1</u>
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>GiaQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>HENRY</u>	_____	<u>✓</u>	_____	_____	_____
<u>LONG</u>	_____	_____	_____	_____	<u>✓</u>
<u>REDD</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: 12-27-88

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

ATTEST:

SEAL

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR

# RECEIPT

No 2824

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 10-14 1988

RECEIVED FROM Claire Millhouse \$ 100.00

THE SUM OF one hundred + 00/100 DOLLARS

ON ACCOUNT OF 5803 Decatur Rd.

10/15  
AUTHORIZED SIGNATURE

RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

I/We Edson Finkenbiner & James E. Letner  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B1B District to a/an B3B District the property described as follows:

Lot numbers 1 and 2 in South Side Suburban Place, an Addition to the City of Fort Wayne, Indiana, excepting therefrom the North 10 feet of Lot number 1 as condemned for street purposes by Declaratory Resolution No. 1171-1965

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

5803 Decatur Road, Fort Wayne, Indiana 46808

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Edson Finkenbiner

1542 Country Club Drive  
Warsaw, Indiana, 46580

Edson Finkenbiner

P. O. Box 295

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

Bruce Alan Roth  
(Name)

5709 St. Joe Road, Ft. Wayne, In 485-7131  
(Address & Zip Code) 46835 (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Lot numbers 1 and 2 in South Side Suburban Place, an addition to  
the City of Fort Wayne, Indiana, excepting therefrom the North 10  
feet of Lot number 1 as condemned for street purposes by Declaratory  
Resolution No. 1171-1965

( same as front page description )

Owners of Property

Edson Finkenbiner

James E. Letner

(Name)

1542 Country Club Drive  
Warsaw, Indiana 46580

5803 Decatur Road  
Ft. Wayne, IN 46808

(Address)

Edson Finkenbiner

James E. Letner

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE  
This form is to be filed in duplicate.

NOTICE:  
FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST  
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.  
  
FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING  
FROM BEING HELD.



4818 West Hamilton Road

Fort Wayne, Indiana 46804

**Phone: (219) 625-4412**

SCALE: 1" = 100'

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 22, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-11-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 21, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

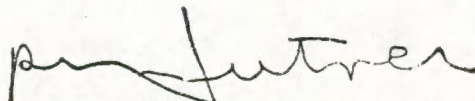
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 28, 1988.

Certified and signed this  
29th day of November 1988.



Robert Hutner  
Secretary

#378

ORIGINAL

ORIGINAL

**DIGEST SHEET**

2-88-16-07

**TITLE OF ORDINANCE** Zoning Ordinance Amendment

**DEPARTMENT REQUESTING ORDINANCE** Land Use Management - CD&P

**SYNOPSIS OF ORDINANCE** 5803 Decatur Road

**EFFECT OF PASSAGE** Property is presently zoned B-1-B- Limited Business District.  
Property will become B-3-B - General Business District.

**EFFECT OF NON-PASSAGE** Property will remain B-1-B - Limited Business District.

**MONEY INVOLVED (Direct Costs, Expenditures, Savings)**

**(ASSIGN TO COMMITTEE (J.N.))**

**FACT SHEET**

Z-88-11-07

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

From B-1-B to B-3-B

**APPROVAL DEADLINE****REASON****DETAILS****Specific Location and/or Address**

5803 Decatur Road

**Reason for Project**

Used Car Sales Lot

**Discussion (Including relationship to other Council actions)**21 November 1988 - Public Hearing

Bruce Roth, realtor for the petitioners stated that his clients were requesting the rezoning in order to establish a used car lot on the property. He stated that he felt the neighborhood was in decline and felt that a well kept business of this nature would be an asset to the area. He submitted petitions with property owners signatures in the area that were in favor of the rezoning. He stated that his clients would agree to any screening requirements that the Commission would deem necessary if the rezoning were granted. He stated that he did not feel that this business would have an adverse impact on the traffic flow in the area. He stated that they would not be changing any of the existing structures on the property they would simply be painted.

Mel Smith questioned if they would be doing any cleanup of the cars on the property.

Mr. Roth stated that all cleanup would be done in the 2-car garage that exists

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents**

**Applicant(s)**  
Edson Finkenbiner  
James E. Letner  
City Department

Other

**Opponents**

Groups or Individuals

Basis of Opposition

**Staff  
Recommendation**☐ For ☒ Against

**Reason Against**  
-rezoning is not appropriate  
due to potential adverse  
impact on surrounding resi-  
tentially used properties

**Board or  
Commission  
Recommendation**

By

☐ For ☒ Against  
☐ No Action Taken☐ For with revisions to conditions  
(See Details column for conditions)**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**

<input type="checkbox"/> Pass	<input type="checkbox"/> Other
<input type="checkbox"/> Pass (as amended)	<input type="checkbox"/> Hold
<input type="checkbox"/> Council Sub.	<input type="checkbox"/> Do not pass

# DETAILS

# POLICY/ PROGRAM IMPACT

presently on the property.

Mel Smith questioned what type of lighting would be used on the lot and if the entire lot was paved or graveled.

Mr. Roth stated that they would use whatever lighting was acceptable to the City and that the lot was completely paved.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

28 November 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation. Motion carried.

Of the seven (7) members present six (6) voted in favor of the motion one (1) did not vote.

Policy or  
Program  
Change

☐

No

☐

Yes

Operational  
Impact  
Assessment

(This space for further discussion)

Project Start

Date 14 October 1988

Projected Completion or Occupancy

Date 29 November 1988

Fact Sheet Prepared by

Patricia Biancaniello

Reviewed by

*[Signature]*

Reference or Case Number

Date 29 November 1988

Date

*Dec. 6, 1988*

BILL NO. Z-88-11-07

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City  
of Fort Wayne Zoning Map No. N-23

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~) Do Not Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY  
Mark E. GiaQuinta CHAIRPERSON  
Charles B. Redd MARK E. GIAQUINTA  
VICE CHAIRMAN  
CHARLES B. REDD

David C. Long DAVID C. LONG

Paul M. Burns PAUL M. BURNS

CONCURRED IN 12-28-88

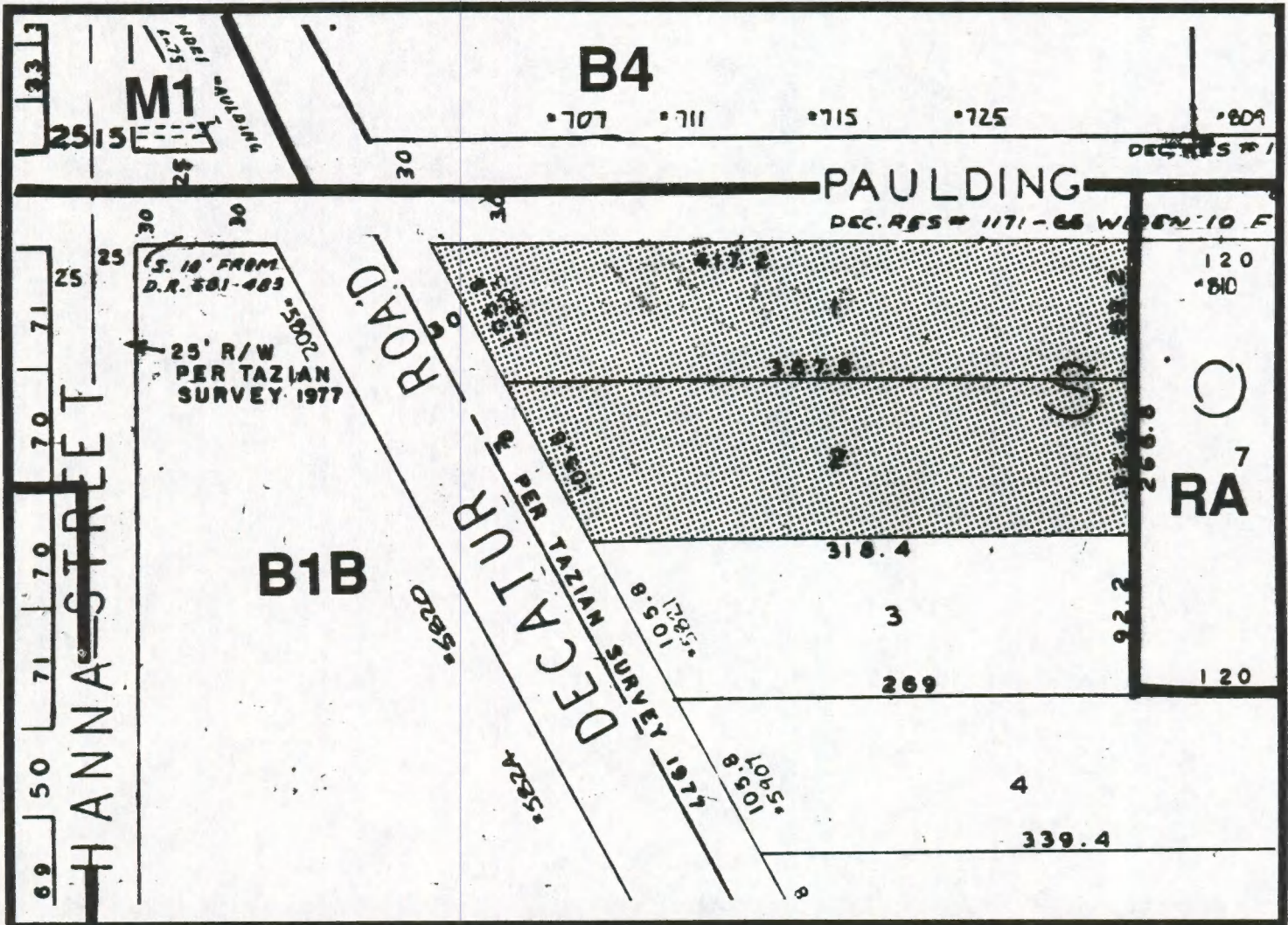
Sandra E. Kennedy  
Sandra E. Kennedy  
City Clerk

# REZONING PETITION #372

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A B1B DISTRICT TO A B3B DISTRICT.

MAP NO. N-23

COUNCILMANIC DISTRICT NO. 6



## ZONING:

RA RESIDENCE "A"

B4 ROADSIDE BUSINESS

B1B LIMITED BUSINESS "B"

M1 LIGHT INDUSTRY

## LAND USE:

- ☐ SINGLE FAMILY
- ☐ COMMERCIAL

SCALE: 1"=100'

DATE: 10-26-88